

Notice of Allowability	Application No.	Applicant(s)	
	09/982,455	JUST, GEORGE J.	
	Examiner	Art Unit	
	James R. Brittain	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication received June 28, 2005.
2. ☒ The allowed claim(s) is/are 33-36; renumbered 1-4, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. George Just on September 16, 2005.

The application has been amended as follows:

Claim 33, line 2, a colon has been inserted after "comprising" and the comma has been changed to a semi-colon;

Line 4, ", and" has been replaced by a semi-colon;

Line 5, the comma has been replaced by a semi-colon;

Line 6, the comma has been replaced by --; said means for allowing said juxtaposed members to pivotably separate including--;

Line 7, "second" has been deleted and "is" has been deleted;

Line 8, "second" has been deleted;

Line 10, "second" has been deleted and the comma has been changed to a semi-colon;

Line 11, "second" has been deleted;

Line 12, "second" has been deleted;

Claim 34, line 2, a colon has been inserted after "comprising" and the comma has been changed to a semi-colon;

Line 4, ", and" has been replaced by a semi-colon;

Line 5, the comma has been replaced by --including--;

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Line 6, “second” has been deleted and “is” has been deleted;

Line 7, “second” has been deleted;

Line 9, “second” has been deleted and the comma has been changed to a semi-colon;

Line 10, “second” has been deleted;

Line 11, “second” has been deleted;

Claim 35, line 2, a colon has been inserted after “comprising” and the comma has been changed to a semi-colon;

Line 4, “, and” has been replaced by a semi-colon;

Line 5, the comma has been replaced by --including--;

Line 6, “second” has been deleted and “is” has been deleted;

Line 7, “second” has been deleted;

Line 9, “second” has been deleted and the comma has been changed to a semi-colon;

Line 10, “first” has been deleted;

Line 11, “second” has been deleted and the comma has been changed to a semi-colon;

Claim 36, line 2, a colon has been inserted after “comprising” and the comma has been changed to a semi-colon;

Line 4, “, and” has been replaced by a semi-colon;

Line 5, the comma has been replaced by --including--;

Line 6, “second” has been deleted and “is” has been deleted;

Line 7, “second” has been deleted;

Line 9, “second” has been deleted and the comma has been changed to a semi-colon;

Line 10, “first” has been deleted; and

Line 11, "second" has been deleted.

The following is an examiner's statement of reasons for allowance: Bender (US 5517722, figures 2-5) teaches magnetic clasp structure inherently usable as a bookmark and is the closest art of record. Bender teaches magnetic clasp structure comprising a planar magnetic member 22, a planar ferric armature member 14 randomly juxtaposed with respect to longitudinal orientation thereby permitting location anywhere on the surfaces, and magnetically attached to the magnetic member, and means for allowing the juxtaposed members to pivotally separate at one side in response to application of a squeezing force at the opposite side of the members. This is inherently provided by the cooperating plates 14, 18 that are inherently capable of pivoting about the edge of the magnetic member 22 for allowing the juxtaposed members to pivotally separate at one side in response to application of a squeezing force at the opposite side of the members. In regard to claim 33 the differences are that Bender lacks both an attachment means hingedly connecting the magnetic member and the armature member and a flexible film paper-guide covering an inner side of the magnetic member and wrapped over and covering at least a portion of an outer side of the firm plate. While Shuller (DE 29717216, figures 1, 2) teaches magnetic clasp structure providing a hinged connection in the form of the ring 19 between the two members 22, 22a, there is no further teaching of a flexible film paper-guide covering an inner side of the magnetic member and wrapped over and covering at least a portion of an outer side of the firm plate. The film acts as a guide for paper and possesses the claimed characteristic of being flexible so as to add a further feature of enhancement in combination with the other claimed features. As to claim 34, the difference is that Bender lacks a flexible film paper-guide

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covering an inner side of the magnetic member and wrapped over and covering at least a portion of an outer side of the firm plate. There is no further teaching of a flexible film paper-guide covering an inner side of the magnetic member and wrapped over and covering at least a portion of an outer side of the firm plate. The film acts as a guide for paper and possesses the claimed characteristic of being flexible so as to add a further feature of enhancement in combination with the other claimed features. In regard to claim 35, the differences are that Bender lacks both an attachment means hingedly connecting the magnetic member and the armature member and a flexible film paper-guide interconnecting one end of the magnetic member with one end of the firm plate. While Shuller (DE 29717216, figures 1, 2) teaches magnetic clasp structure providing a hinged connection in the form of the ring 19 between the two members 22, 22a, there is no further teaching of a flexible film paper-guide interconnecting one end of the magnetic member with one end of the firm plate. The film acts as a guide for paper and possesses the claimed characteristic of being flexible so as to add a further feature of enhancement in combination with the other claimed features. As to claim 36, the difference is that Bender lacks a flexible film paper-guide interconnecting one end of the magnetic member with one end of the firm plate. There is no further teaching of a flexible film paper-guide covering an inner side of the magnetic member and wrapped over and covering at least a portion of an outer side of the firm plate. The film acts as a guide for paper and possesses the claimed characteristic of being flexible so as to add a further feature of enhancement in combination with the other claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

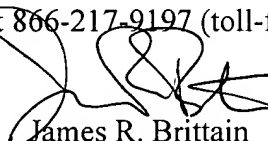
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB